

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 43
RESPIRATORY CARE PRACTICE ACT

54-4301. SHORT TITLE. The provisions of this chapter shall be known and may be cited as the "Respiratory Care Practice Act of 1991."

[54-4301, added 1991, ch. 294, sec. 1, p. 760.]

54-4302. LEGISLATIVE INTENT. In order to promote the public health, safety, and welfare; to promote the highest degree of professional conduct on the part of persons providing respiratory care to the public; and to assure the availability of respiratory care services of high quality to persons in need of such services, it is the purpose of the provisions of this chapter to provide for the licensure and regulation of persons offering respiratory care services to the public.

[54-4302, added 1991, ch. 294, sec. 1, p. 760.]

54-4303. DEFINITIONS. As used in this chapter:

(1) "Act" means the respiratory care practice act of 1991, [chapter 43, title 54](#), Idaho Code.

(2) "Applicant" means a person who applies for a license, permit or a temporary permit pursuant to this chapter.

(3) "Board" means the Idaho state board of medicine established by and constituted pursuant to section [54-1805](#), Idaho Code, or any successor section or statute.

(4) "Certified pulmonary function technologist" (CPFT) means the professional designation earned by a person who has successfully completed the entry level pulmonary function certification examination administered by the national board for respiratory care, inc.

(5) "Certified respiratory therapy technician" (CRTT) means the professional designation earned by a person who has successfully completed the entry level examination administered by the national board for respiratory care, inc.

(6) "Entry level examination" means the certification examination for entry level respiratory therapy practitioners administered by the national board for respiratory care, inc., the successful completion of which entitles a person to the professional designation of "certified respiratory therapy technician" (CRTT).

(7) "Licensed physician" means a physician licensed by the board.

(8) "Licensure" means the issuance of a license to an applicant under the provisions of this chapter entitling such person to hold himself out as a respiratory care practitioner and entitling him to practice or perform respiratory care in the state.

(9) "Licensure board" means the licensure board established by this chapter to accept applications under this chapter, to make recommendations and consult with the board and to perform such other duties as may be required or authorized in this chapter or by the board.

(10) "National board for respiratory care, inc." means the nationally recognized private testing, examining and credentialing body for the respiratory care profession.

(11) "Performance of respiratory care" means respiratory care practiced or performed in accordance with the written, telephonic or verbal prescription of a licensed physician and includes, but is not limited to, the diagnostic and therapeutic use of the following: administration of medical gases, (except for the purpose of anesthesia), aerosols and humidification; environmental control mechanisms and hyperbaric therapy; pharmacologic agents related to respiratory care protocols; mechanical or physiological ventilatory support; bronchopulmonary hygiene; cardiopulmonary resuscitation; maintenance of the natural airway; insertion and maintenance of artificial airways; specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures and flows, collection, reporting and analysis of specimens of blood and blood gases, arterial punctures, insertion and maintenance of arterial lines, expired and inspired gas samples, respiratory secretions, and pulmonary function testing; and hemodynamic and other related physiologic measurements of the cardiopulmonary system; observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing and determination of whether such signs, symptoms, reactions, behavior or general response exhibit abnormal characteristics; implementation based on observed abnormalities of appropriate reporting or referral of respiratory care or changes in treatment regimen, pursuant to a prescription by a physician or the initiation of emergency procedures.

(12) "Person" means an individual.

(13) "Polysomnography" means the process of analysis, attended monitoring and recording of physiologic data during sleep and wakefulness to assist in the assessment and diagnosis of sleep/wake disorders and other disorders, syndromes and dysfunctions that either are sleep related, manifest during sleep or disrupt normal sleep/wake cycles and activities.

(14) "Polysomnography related respiratory care services" means the limited practice of respiratory care in the provision of polysomnography services, under the supervision of an Idaho licensed physician, by a person at a sleep disorder center or laboratory who holds a permit issued by the board as a registered polysomnographic technologist, polysomnographic technician or a polysomnographic trainee, or who is otherwise licensed as a respiratory care practitioner or who is exempt from licensure or permitting pursuant to section [54-4308](#), Idaho Code. Polysomnography related respiratory care services include therapeutic and diagnostic use of oxygen, noninvasive ventilatory assistance of spontaneously breathing patients and cardiopulmonary resuscitation and maintenance of nasal and oral airways that do not extend into the trachea, as ordered by an Idaho licensed physician or by written procedures and protocols of the associated sleep disorder center or laboratory as approved by an Idaho licensed physician and which do not violate a rule adopted by the board. This chapter does not in any way authorize the practice of medicine or any of its branches by any person not so licensed by the board. Further, licensed respiratory practitioners, and those exempt from licensure pursuant to section [54-4308](#), Idaho Code, are not limited in their scope of practice of provision of respiratory care which they may provide, including in connection with the provision of polysomnography services.

(15) "Polysomnographic technician" means a person who holds a permit as set forth in section [54-4304A](#), Idaho Code, and who performs polysomnogra-

phy related respiratory care services under the supervision of an Idaho permitted registered polysomnographic technologist, licensed respiratory care practitioner or an Idaho licensed physician.

(16) "Polysomnographic trainee" means a person who holds a temporary permit as set forth in section [54-4304A](#), Idaho Code, and who performs polysomnography related respiratory care services under the direct supervision of an Idaho licensed respiratory care practitioner, or a person exempt from such licensure pursuant to section [54-4308](#), Idaho Code, an Idaho permitted registered polysomnographic technologist, an Idaho permitted polysomnographic technician or an Idaho licensed physician. Direct supervision by an Idaho licensed respiratory care practitioner, or such person exempt from such licensure pursuant to section [54-4308](#), Idaho Code, or an Idaho permitted registered polysomnographic technologist or technician, or an Idaho licensed physician, means that such a person shall be on the premises where such polysomnographic related respiratory care services are provided and shall be immediately available for consultation with the polysomnographic trainee.

(17) "Practice of respiratory care" means, but shall not be limited to, the provision of respiratory and inhalation therapy which shall include, but not be limited to: therapeutic and diagnostic use of medical gases, humidity and aerosols including the maintenance of associated apparatus; administration of drugs and medications to the cardiorespiratory system; provision of ventilatory assistance and ventilatory control; postural drainage, percussion, breathing exercises and other respiratory rehabilitation procedures; cardiopulmonary resuscitation and maintenance of natural airways, the insertion and maintenance of artificial airways; and the transcription and implementation of a physician's written, telephonic or verbal orders pertaining to the practice of respiratory care. It also includes testing techniques employed in respiratory care to assist in diagnosis, monitoring, treatment and research. This shall be understood to include, but not be limited to, measurement of ventilatory volumes, pressures and flows, specimen collection of blood and other materials, pulmonary function testing and hemodynamic and other related physiological monitoring of the cardiopulmonary system. The practice of respiratory care is not limited to the hospital setting but shall be performed under the general supervision of a licensed physician.

(18) "Registered polysomnographic technologist" means a person who holds a permit as set forth in section [54-4304A](#), Idaho Code, and who works under the supervision of an Idaho licensed physician to provide polysomnography related respiratory care services.

(19) "Respiratory care" means the allied health profession responsible for the treatment, management, diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system, under the general supervision of a licensed physician.

(20) "Respiratory care practitioner" means a person who has been issued a license by the board under the provisions of this chapter.

(21) "Respiratory care protocols" means policies, procedures or protocols developed or instituted by health care facilities or institutions, through collaboration when appropriate or necessary with administrators, physicians, registered nurses, physical therapists, respiratory care practitioners and other licensed, certified or registered health care practitioners.

(22) "Registered pulmonary function technologist" (RPFT) means the professional designation earned by a person who has successfully completed the advanced pulmonary function certification examination administered by the national board for respiratory care, inc.

(23) "Registered respiratory therapist" (RRT) means the professional designation earned by a person who has successfully completed the written registry and clinical simulation examinations administered by the national board for respiratory care, inc.

(24) "Respiratory therapist" means a person who practices or provides respiratory care.

(25) "Respiratory therapy" means the practice or performance of respiratory care as defined in this chapter including, but not limited to, inhalation therapy.

(26) "Sleep disorder center or laboratory" means a facility for sleep related disorders that provides polysomnography and is under the supervision of an Idaho licensed physician or medical director licensed by the board who is responsible for patient care provided in such center or laboratory. A sleep disorder center or laboratory which provides polysomnography related respiratory care to patients shall have an Idaho licensed respiratory care practitioner, an Idaho permitted registered polysomnographic technologist, an Idaho permitted polysomnographic technician, or a person exempt from licensure or permitting pursuant to section [54-4308](#), Idaho Code, in constant attendance.

(27) "Written registry and clinical simulation examinations" means the certification examinations administered by the national board for respiratory care, inc., the successful completion of which entitles a person the professional designation of "registered respiratory therapist" (RRT).

[54-4303, added 1991, ch. 294, sec. 1, p. 760; am. 2003, ch. 254, sec. 1, p. 655.]

54-4304. LICENSE OR TEMPORARY PERMIT REQUIRED. Except as otherwise provided in this chapter, it shall be unlawful for any person to practice or perform or to offer to practice or perform respiratory care or for a person or entity to represent a person to be a respiratory therapist or respiratory care practitioner unless such person is licensed as a respiratory care practitioner, holds a valid temporary permit or is exempt from the requirements of this chapter. Only an individual may be licensed or granted a temporary permit under this chapter.

[54-4304, added 1991, ch. 294, sec. 1, p. 763.]

54-4304A. POLYSOMNOGRAPHY RELATED RESPIRATORY CARE. (1) Only persons who are licensed as respiratory care practitioners or who are exempt from licensure pursuant to section [54-4308](#), Idaho Code, or who hold a permit issued by the board as registered polysomnographic technologists, polysomnographic technicians or polysomnographic trainees may provide polysomnography related respiratory care services.

(2) Qualification for permit. An applicant for a permit to provide polysomnography related respiratory care services as a registered polysomnographic technologist or polysomnographic technician or for a temporary permit as a polysomnographic trainee under the provisions of this section who is not otherwise licensed to provide respiratory care services

or exempt from the requirements of this chapter pursuant to section [54-4308](#), Idaho Code, must:

- (a) Submit an application to the licensure board on forms prescribed by the board and in accordance with the rules adopted by the board pay the permit fee required under this chapter;
 - (b) Be, on or before the date of issuance of the permit, eighteen (18) years of age or older;
 - (c) Not have been convicted of an offense or disciplined by a licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the provision of polysomnography related respiratory care services;
 - (d) Be a high school graduate or have passed a general educational development (GED) examination and earned a GED certificate; and
 - (e) Be currently certified in cardiopulmonary resuscitation (CPR).
- (3) Registered polysomnographic technologist. An applicant must possess the following qualifications: successful completion of the certification examination as a registered polysomnographic technologist administered by the board of registered polysomnographic technologists (BRPT) or an equivalent examination, approved by the board as recommended by the licensure board, and any additional reasonable minimal requirements as may be adopted by rule of the board.
- (4) Polysomnographic technician. An applicant must possess the following qualifications:
- (a) Successful completion of a polysomnography program of not less than one (1) year duration, associated with a state licensed or a nationally accredited educational facility; or
 - (b) Successful completion of a minimum of seven hundred twenty (720) hours of experience as a polysomnographic trainee with documented proficiency in polysomnography related respiratory care services, as approved by the board, as recommended by the licensure board and adopted by board rule.
- (5) Polysomnographic trainee. An applicant must provide written documentation that an Idaho permitted registered polysomnographic technologist, an Idaho permitted polysomnographic technician, an Idaho licensed respiratory care provider, or an Idaho licensed physician will directly supervise the applicant's performance of basic polysomnography related respiratory care services and provide documentation of at least one (1) of the following:
- (a) That the applicant has at least seven hundred twenty (720) hours of experience as a paid employee or contractor in a health care related field;
 - (b) That the applicant is currently enrolled in a polysomnography program associated with a state licensed or a nationally accredited education facility; or
 - (c) That the applicant has successfully completed twenty-four (24) semester credit hours (or a quarter hour system equivalent of the same) of postsecondary education at a state licensed or nationally accredited facility.
- (6) Permits.
- (a) Permits for registered polysomnographic technologists and permits for polysomnographic technicians shall be issued after applicants have met the requirements of this chapter and submitted an application and payment of a fee in an amount to be fixed by the board. Permits, includ-

ing renewals, for registered polysomnographic technologists shall be issued for a period of not less than one (1) year nor more than five (5) years, the exact period to be fixed by the board. Permits, including renewals, for polysomnographic technicians shall be issued for a period of one (1) year, and shall be renewed for successive one (1) year periods, not to exceed three (3) renewals for a total period of four (4) years. Such permits shall be renewed on their expiration date upon completion of a renewal application and upon payment of a renewal fee in an amount to be fixed by the board.

(b) Temporary permits for polysomnographic trainees shall be issued after applicants have met the requirements of this chapter and submitted an application and payment of a fee in an amount to be fixed by the board. Such permits shall be issued for a period of not more than one (1) year, the exact period to be fixed by the board. Such permits may be renewed on their expiration date upon completion of a renewal application and upon payment of a renewal fee in an amount to be fixed by the board, for a period of one (1) year, with renewal limited to one (1) such renewal, provided however, such permits for polysomnographic trainees shall be limited to a total period of two (2) years.

(c) Each individual applicant for renewal of an active permit shall, on or before the expiration date of the permit, submit satisfactory proof to the licensure board of successful completion of not less than twelve (12) hours of approved continuing education per year in addition to any other requirements for renewal as adopted by board rule. The board, as recommended by the licensure board, may substitute all or a portion of the coursework required in this section when a permittee shows evidence of passing an approved challenge exam or of completing equivalent education as determined by the board, as recommended by the licensure board, to be in full compliance with the education requirements of this section.

(7) The provisions of this chapter governing procedures for suspension and revocation of licenses, payment and assessment of fees and governing misrepresentation, penalties and severability and other administrative procedures shall apply equally to permits for the practice of polysomnography related respiratory care services as to licenses for the practice of respiratory care.

(8) Conditional permit. Any individual who desires to provide polysomnography related respiratory care services as described in this chapter and who meets the requirements of subsection (2) of this section, as well as the necessary requirements as outlined below, may make application for a conditional permit as follows:

(a) An applicant for a conditional polysomnographic technologist permit must provide evidence satisfactory to the board of the successful completion of the certification examination as a registered polysomnographic technologist administered by the board of registered polysomnographic technologists (BRPT) or an equivalent examination, approved by the board, as recommended by the licensure board.

(b) An applicant for a conditional polysomnographic technician permit must provide evidence satisfactory to the board of the successful completion of a minimum of seven hundred twenty (720) hours of experience providing polysomnography services as a paid employee or contractor.

(c) An applicant for a conditional polysomnographic trainee permit must provide evidence satisfactory to the board of the successful

completion of a minimum of three hundred sixty (360) hours of experience providing polysomnography services as a paid employee or contractor.

(d) Conditional permits referred shall be issued on or after January 1, 2004, and shall be issued until such time as the board may adopt rules as may be required for the issuance of regular permits as provided in subsections (3) through (7) of this section.

[54-4304A, added 2003, ch. 254, sec. 2, p. 658.]

54-4305. EFFECTIVE DATE -- LICENSURE OR TEMPORARY PERMIT REQUIRED BEGINNING 1992. The effective date of this chapter is July 1, 1991. The first year for which a license or a temporary permit shall be required for the practice or performance of respiratory care shall be calendar year 1992. All applications for initial licenses or temporary permits and for renewal of licenses or temporary permits under this chapter shall be made to the board upon a form provided by the board and all such applications shall be in accordance with the rules and regulations promulgated by the board under the provisions of this chapter.

[54-4305, added 1991, ch. 294, sec. 1, p. 763.]

54-4306. REQUIREMENTS FOR LICENSURE. (1) A person practicing or performing respiratory care and who meets the requirements for licensure under the provisions of this section and who is not exempt from the requirements of this chapter pursuant to section [54-4308](#), Idaho Code, shall apply to the licensure board for the issuance of a license. The application shall be upon a form provided by the board.

(2) The board, upon recommendation of the licensure board, shall issue a license to an applicant if the applicant makes a satisfactory showing to the licensure board that:

- (a) the applicant is, on or before the date of the issuance of the license, eighteen (18) years of age or older; and
- (b) has not been convicted of a crime which would have a direct and adverse bearing on the applicant's ability to practice or perform respiratory care competently and in the best interests of the consuming public; and
- (c) is a high school graduate or has earned a general educational development certificate; and
- (d) has not been subjected to disciplinary action in any state or territory of the United States or in any foreign country arising from a showing of gross negligence or intentional misconduct directly related to the practice or provision of respiratory care; and
- (e) The applicant:
 - (i) has successfully completed the entry level examination and is a certified respiratory therapy technician and/or has successfully completed the written registry and clinical simulation examinations and is a registered respiratory therapist; or
 - (ii) is licensed as a respiratory care practitioner, or the equivalent in the discretion of the board, in another state, the District of Columbia, or in a territory of the United States; or
 - (iii) has, during the three (3) calendar years immediately preceding the effective date of this chapter, practiced respiratory care or provided respiratory care in this state under the super-

vision of licensed physicians for not fewer than three thousand (3,000) hours.

[54-4306, added 1991, ch. 294, sec. 1, p. 763.]

54-4307. TEMPORARY PERMIT. Any person who desires to practice or perform respiratory care but who does not meet the requirements for licensure under the provisions of this chapter and who is not exempt from the requirements of this chapter pursuant to section [54-4308](#), Idaho Code, shall apply for a temporary permit issued by the board. Upon issuance of a temporary permit such person shall be authorized to practice and perform respiratory care in the state under the supervision of a respiratory care practitioner or a licensed physician for a period of one (1) year from the date of issuance of the temporary permit. Temporary permits may be renewed one (1) time for a period of one (1) additional year upon application to the board.

The application for a temporary permit shall be on a form provided by the board and the applicant shall demonstrate to the satisfaction of the board that the applicant meets the requirements of subsection (2) (a), (b), (c) and (d) of section [54-4306](#), Idaho Code.

[54-4307, added 1991, ch. 294, sec. 1, p. 764.]

54-4308. EXEMPTIONS. (1) Nothing in this chapter shall be construed as preventing or restricting the practice or performance of respiratory care or requiring licensure or a temporary permit pursuant to this chapter:

(a) Of any person authorized in this state under any other law who carries out only those professional duties and functions for which such person has been specifically trained and for which professional designations are conferred; or

(b) Of certified pulmonary function technologists and registered pulmonary function technologists who carry out only those professional duties and functions for which such persons have been specifically trained and for which such professional designations are conferred; or

(c) Of any person employed as a respiratory therapist by the government of the United States or any agency thereof, if such person practices or provides respiratory care solely under the direction or control of the organization by which such person is employed; or

(d) Of any person actively pursuing in good faith a full-time supervised course of study leading to a degree or certificate in respiratory care in an American medical association accredited or approved educational program, or the equivalent as determined by the board, where the practice or provision of respiratory care by such person is supervised by a respiratory care practitioner or by a licensed physician; or

(e) For purposes of continuing education, consulting, and/or training, any person performing respiratory care in the state, if these services are performed for no more than thirty (30) days in a calendar year in association with a respiratory care practitioner licensed under this act or in association with a licensed physician, if:

(i) The person is licensed as a respiratory care practitioner or the equivalent, as determined by the board, in good standing in another state or the District of Columbia, or in a territory of the United States; or

(ii) The person is a certified respiratory therapy technician (CRTT) or registered respiratory therapist (RRT).

(f) Of any person who administers cardiopulmonary resuscitation (CPR) in an emergency situation.

(2) A person claiming an exemption under subsection (1) (c) or (1) (e) of this section shall apply for a license or a temporary permit as provided for in this chapter in the event the facts upon which such claim for exemption is based change or cease to exist eliminating the grounds for such claim for exemption. Such application shall be filed with the board as soon as possible after the loss of the claim to exemption but no later than thirty (30) calendar days after the right to the exemption ceases. Such person may practice or perform respiratory care after the loss of such exemption and prior to application for and/or issuance by the board of a license or temporary permit only under the direct supervision of a respiratory care practitioner or a licensed physician.

(3) A person claiming exemption under the provisions of subsection (1) (d) of this section shall cease to be eligible for such exemption if such person ceases to actively pursue the required course of study for a period of time in excess of one hundred twenty (120) consecutive calendar days and immediately upon receipt of the degree or certificate for which such person pursued the course of study.

(4) The burden of proving the existence of facts entitling a person to an exemption under this section shall be upon the person claiming the exemption.

(5) The provisions of this act shall not prohibit hospitals from employing individuals to provide respiratory care services who are exempt from the licensing requirements of this chapter. The provisions of this chapter shall not prohibit any hospital from training qualified personnel to provide respiratory care if the trainee would be exempt under subsection 1(a) or 1(d) of 54-4308, Idaho Code, provided, that said training and respiratory care services are done under the supervision of a licensed physician or a respiratory care practitioner.

[54-4308, added 1991, ch. 294, sec. 1, p. 764.]

54-4309. ISSUANCE OF LICENSE OR TEMPORARY PERMIT. The board based upon recommendation of the licensure board shall issue a license or temporary permit to any person who meets the requirements of this chapter upon payment of the prescribed license or temporary permit fees. The board may, in its discretion, by rule or regulation, provide for the proration of fees charged in conjunction with the initial application by a person for a license or temporary permit if such license or temporary permit shall, upon issuance, remain valid for less than one (1) full calendar year before the required renewal date as provided for in section [54-4310](#), Idaho Code.

[54-4309, added 1991, ch. 294, sec. 1, p. 765.]

54-4310. RENEWAL OF LICENSE OR TEMPORARY PERMIT. (1) Any license or temporary permit issued under this chapter shall be subject to annual renewal and shall expire annually unless renewed in the manner prescribed by the rules of the board. The board may reinstate a license or temporary permit cancelled for failure to renew upon compliance with requirements of the board for renewal of licenses or temporary permits.

(2) Upon application, the board shall grant inactive status to the holder of a license who does not practice or provide respiratory care.

(3) Each individual applicant for renewal of an active license shall, on or before the expiration of the license, submit satisfactory proof to the licensing board of successful completion of not less than twelve (12) classroom hours of approved course work in addition to any other requirements for renewal. The licensing board may substitute all or a portion of the course work required in this section when a licensee shows evidence of passing an approved challenge exam or of completing equivalent education determined by the licensing board to be in full compliance with the education requirements of this section.

[54-4310, added 1991, ch. 294, sec. 1, p. 766.]

54-4311. FEES. The board shall adopt rules and regulations establishing reasonable fees for the following:

- (1) Initial license fee which may be prorated pursuant to section [54-4309](#), Idaho Code;
- (2) Renewal of license fee;
- (3) Inactive license fee;
- (4) Initial temporary permit fee which may be prorated pursuant to section [54-4309](#), Idaho Code; and
- (5) Temporary permit renewal fee.

Each applicant shall be responsible for the payment of any fee charged by the national board for respiratory care, inc., for the entry level examination and the written registry and clinical simulation examinations. Fees authorized under this chapter shall be used solely to carry out the purposes of this chapter including the provisions of section [54-4317](#), Idaho Code.

[54-4311, added 1991, ch. 294, sec. 1, p. 766.]

54-4312. SUSPENSION AND REVOCATION OF LICENSE OR TEMPORARY PERMIT -- REFUSAL TO RENEW. (1) Subject to the provisions of [chapter 52, title 67](#), Idaho Code, the board, upon recommendation of the licensure board, may deny a license or temporary permit or refuse to renew a license or temporary permit, or may suspend or revoke a license or temporary permit or may impose probationary conditions if the holder of a license or temporary permit or applicant for license or temporary permit has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes, but is not limited to:

- (a) obtaining a license or temporary permit by means of fraud, misrepresentation, or concealment of material facts;
- (b) being guilty of unprofessional conduct as defined by the rules established by the board, or violating the code of ethics adopted and published by the board;
- (c) being convicted of a crime which would have a direct and adverse bearing on the licensee's or temporary permit holder's ability to practice or perform respiratory care competently;
- (d) the unauthorized practice of medicine;
- (e) violating any provisions of this chapter or any of the rules and regulations promulgated by the board under the authority of this chapter;
- (f) being found mentally incompetent by a court of competent jurisdiction or being found mentally incompetent or unfit by the board to provide respiratory care.

(2) A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license or temporary permit may be ordered by the board after a hearing in the manner provided by the rules adopted by the board. An application for reinstatement may be made to the board one (1) year from the date of the revocation of a license or temporary permit. The board shall hold a hearing to consider such reinstatement.

[54-4312, added 1991, ch. 294, sec. 1, p. 766.]

54-4313. LICENSURE BOARD. (1) The licensure board shall consist of five (5) members appointed by the board, three (3) of whom shall be certified respiratory care practitioners, one (1) of whom, in addition to being a licensed respiratory care practitioner, shall also be an Idaho permitted registered polysomnographic technologist, and all of whom shall be residents of Idaho at the time of their appointment and for their term of service. The persons appointed to the licensure board who are required to be licensed under this chapter shall have been engaged in rendering respiratory care services and polysomnography related respiratory care services, respectively, to the public, in teaching, or in research in respiratory care and polysomnography related respiratory care services, respectively, for at least five (5) years immediately preceding their appointments. These members shall at all times be holders of valid licenses for the practice of respiratory care in Idaho and one (1) such member shall be a holder of a valid Idaho permit as a registered polysomnographic technologist, except for the members of the first board, all of whom shall, at the time of appointment, hold the designation of certified respiratory therapy technician or registered respiratory therapist conferred by the national board for respiratory care, inc. (NBRC) and all of whom meet the requirements for licensure under the provisions of this chapter. The remaining two (2) members of the licensure board shall be members of health professions or members of the public with an interest in the rights of the consumers of health services.

(2) The board, within sixty (60) days following the effective date of this chapter, shall appoint two (2) licensure board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed in this section.

(3) The two (2) members of the licensure board who shall be licensed respiratory care practitioners shall be selected by the board of medicine after considering a list of three (3) qualified applicants for each such vacancy submitted by the Idaho society of respiratory care or other interested associations. The member of the licensure board who shall be a licensed respiratory care practitioner and an Idaho permitted registered polysomnographic technologist shall be selected by the board of medicine after considering a list of three (3) qualified applicants submitted by the Idaho sleep disorder association or other interested associations. The remaining two (2) public members shall be selected by the board of medicine which may solicit nominations of qualified applicants submitted by the Idaho society for respiratory care, the Idaho sleep disorder association or other interested associations or individuals.

(4) The licensure board shall within sixty (60) days after the effective date of this chapter, and annually thereafter, hold a meeting and elect a chairman who shall preside at meetings of the licensure board. In the event the chairman is not present at any licensure board meeting, the licensure board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the licensure board shall constitute a quorum. Other meetings may be convened at the call of the chairman or the written request of any two (2) licensure board members.

(5) Each member of the licensure board shall be compensated as provided in section [59-509](#)(n), Idaho Code.

[54-4313, added 1991, ch. 294, sec. 1, p. 767; am. 2003, ch. 254, sec. 3, p. 661; am. 2012, ch. 258, sec. 1, p. 718.]

54-4314. BOARD OF MEDICINE AND LICENSURE BOARD -- POWERS AND DUTIES. (1) The board shall administer, coordinate and enforce the provisions of this chapter, evaluate the qualifications, and may issue subpoenas, examine witnesses, and administer oaths, and may investigate practices which are alleged to violate the provisions of this chapter. The licensure board shall review the applications of all applicants for licensure or temporary permits and make recommendations to and consult with the board concerning issuance of licenses or temporary permits, revocation of licenses or temporary permits and rules and regulations to be promulgated under this chapter.

(2) The licensure board shall hold meetings, conduct hearings and keep records and minutes as are necessary to carry out its functions.

[54-4314, added 1991, ch. 294, sec. 1, p. 768.]

54-4315. BOARD OF MEDICINE -- ADMINISTRATIVE PROVISIONS. (1) The executive director of the Idaho state board of medicine shall serve as executive director of, but shall not be a member of, the licensure board.

(2) All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the state board of medicine account created in section [54-1809](#), Idaho Code, and all costs and expenses incurred by the board and licensure board under the provisions of this chapter shall be a charge against and paid from said account for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter. In no instance shall the state board of medicine account be obligated to pay any claims which in aggregate with claims already allowed exceed the income to the state board of medicine account which has been derived from the application of this chapter.

(3) Money paid into the state board of medicine account pursuant to this chapter is hereby continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and licensure board in carrying out and enforcing the provisions of this chapter.

[54-4315, added 1991, ch. 294, sec. 1, p. 768.]

54-4316. RULES AND REGULATIONS. The board shall, upon recommendation by the licensure board, adopt and promulgate rules and regulations necessary to carry out the provisions of this chapter, pursuant to [chapter 52, title 67](#), Idaho Code.

[54-4316, added 1991, ch. 294, sec. 1, p. 768.]

54-4317. CONTRACTS FOR VERIFICATION. The board is authorized to enter into such contracts with the national board for respiratory care, inc. as may be necessary or advisable to provide for or to facilitate verification of any applicant's claim that such applicant has successfully completed the entry level examination and/or the written registry and clinical simulation examinations.

[54-4317, added 1991, ch. 294, sec. 1, p. 768.]

54-4318. USE OR DISPLAY OF PROFESSIONAL DESIGNATIONS OR CREDENTIALS. Nothing contained in this chapter shall preclude a respiratory care practitioner, a respiratory therapist exempt from licensure under this chapter or the holder of a temporary permit from using or displaying earned professional designations or credentials including, but not limited to, CRTT, RRT, CPFT and RPFT. A respiratory care practitioner may use and display the designation respiratory care practitioner or RCP in conjunction with the use or display of any such other earned professional designations or credentials.

A respiratory care practitioner who has earned the designation certified respiratory therapy technician or CRTT may also use or display the designation of certified respiratory care practitioner or CRCP.

A respiratory care practitioner who has earned the designation registered respiratory therapist or RRT may also use or display the designation of registered respiratory care practitioner or RRCP.

The holder of a temporary permit shall not use or display the designation certified respiratory care practitioner, CRCP; registered respiratory care practitioner, RRCP; or respiratory care practitioner, RCP; but may use or display any earned professional designations or credentials.

[54-4318, added 1991, ch. 294, sec. 1, p. 768.]

54-4319. MISREPRESENTATION -- CONSUMER PROTECTION ACT. (1) The board may bring any action in the district court for a temporary restraining order, preliminary injunction or permanent injunction against any person who violates the provisions of this chapter or who falsely holds himself out as a respiratory care practitioner or against any person who practices or provides respiratory care in violation of this chapter.

(2) Any person who falsely holds himself out as a respiratory care practitioner shall be guilty of using a method, act or practice which is declared to be unlawful under [chapter 6, title 48](#), Idaho Code, the Idaho consumer protection act.

[54-4319, added 1991, ch. 294, sec. 1, p. 769.]

54-4320. PENALTIES. Any person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor.

[54-4320, added 1991, ch. 294, sec. 1, p. 769.]

54-4321. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

[54-4321, added 1991, ch. 294, sec. 1, p. 769.]